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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,949	07/11/2006	Hiroshi Nishiyama	293275USOX PCT	1470
22850	7590	10/17/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
RAE, CHARLESWORTH E				
ART UNIT		PAPER NUMBER		
1611				
NOTIFICATION DATE		DELIVERY MODE		
10/17/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/585,949

Applicant(s)

NISHIYAMA ET AL.

Examiner

CHARLESWORTH RAE

Art Unit

1611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 10-17 is/are pending in the application.
4a) Of the above claim(s) 10-17 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CDC)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Applicant's arguments, filed 07/03/08, have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set of actions being applied to the instant application.

This action is final.

Status of the Claims

Claims 1-3, 10-17 are currently pending in this application.

Claims 10-17 are withdrawn for being directed to non-elected subject matter by original presentation (see discussion below).

Restriction Requirements

Newly submitted claims 10-17 (invention II) are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: originally presented claims 1-3 (invention I) are directed to a product (i.e. specific compounds), while the new claims 10-17 are directed to a method comprising the use of said product (i.e. specific compounds). The inventions represented above as invention I and II relate to a general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they share the same or corresponding technical features. Specifically, the technical feature of invention I and Group II is the compounds encompassed therein. The

inventions lack unity, however, as the common technical feature is known in the art (US Patent 5,314,883). Thus, pursuant to 35 U.S.C. 121 and 372, the inventions represented above as Inventions I-II lack unity of invention under PCT Rule 13.1.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 10-17 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Amendment

The claim amendment filed 7/3/08 is acknowledged and made of record.

Miscellaneous

It is noted that applicant elected 4-bromo-6- [3 -(4-chlorophenyl)propoxy] -5 -(3 -pyridylmethylamino)-3 -(2H)-pyridazinone as the compound species in a response, received 12/03/07, at page 2, to the election of species requirement, mailed 11/02/07.

Response to applicant's arguments/remarks

Rejection under 102(b)

This rejection is maintained as applicant's arguments are not found to be persuasive to overcome the rejection made of record in the Office action, mailed 04/032/08, at page 3, and the additional reason set forth below (see applicant's Response, received 07/03/08, at page 2):

a) Tanikawa et al. compounds having formula I as recited in claim 1, including 4-bromo-6- [3 -(4-chlorophenyl)propoxy] -5 -(3 -pyridylmethylamino)-3 -(2H)-pyridazinone

(= applicant's elected compound) as being effective ingredients and compositions comprising said compounds for treating various conditions (reference claim 14 and abstract). Thus, the compounds (e.g. 4-bromo-6- [3 -(4-chlorophenyl)propoxy] -5 -(3 -pyridylmethylamino)-3 -(2H)-pyridazinone) as taught by the cited reference are capable of performing the desired function.

Nonstatutory obviousness-type double patenting (ODP) rejections

These rejections are withdrawn.

REJECTIONS

Claim rejections – 35 USC 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 USC 102(b) as being anticipated by Tanikawa et al. (US Patent 5,314,883).

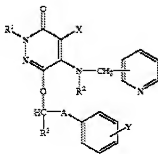
Tanikawa et al. teach compounds having formula I as recited in claim 1, including 4-bromo-6- [3 -(4-chlorophenyl)propoxy] -5 -(3 -pyridylmethylamino)-3 -(2H)-

pyridazinone (= applicant's elected compound) as being effective ingredients and compositions comprising said compounds for treating various conditions (reference claim 14 and abstract). Further, the term "[a] vascular intimal hyperplasia inhibitor" is an intended use limitation, which does not impart a structural limitation to the claimed subject matter. Thus, since the prior art teaches the same compound as claimed (i.e. 4-bromo-6-[3-(4-chlorophenyl)propoxy]-5-(3-pyridylmethylamino)-3-(2H)-pyridazinone), said compound is capable of performing the desired function.

Relevant Art of Record

The below art references made of record and relied upon are considered pertinent to applicant's invention.

Egi et al. teach compounds having the below structure (abstract):

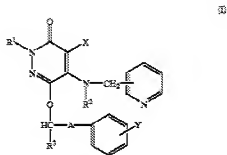


(3)

wherein each symbol is as defined in the specification, or a pharmacologically acceptable salt thereof, is an active ingredient. The pyridazinone compound (I) and a pharmacologically acceptable salt thereof in the present invention promote angiogenesis and potentiate the angiogenic effect of a drug having such effect, and are useful as an angiogenesis promoter and angiogenesis potentiator.

Maruyama et al. (US Patent 6,369,061) teach compounds with the below structure and methods of treating spinal canal stenosis comprising administering an

effective amount of said compounds (see also reference claims 1-3).



Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlesworth Rae whose telephone number is 571-272-

6029. The examiner can normally be reached between 9 a.m. to 5:30 p.m. Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sharmila G. Landau, can be reached at 571-272-0614. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 800-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9 October 2008
/C. R./
Examiner, Art Unit 1611

/Sharmila Gollamudi Landau/
Supervisory Patent Examiner, Art Unit 1611